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PPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/527,771	03/11/2005		Edwin Claerebout	I-2002.015 US	5406
31846	7590	12/29/2005		EXAMINER	
INTERVET	INC.		GANGLE, BRIAN J		
PATENT DEI	PARTME	ENT			
PO BOX 318			ART UNIT	PAPER NUMBER	
MILLSBORO, DE 19966-0318				1645	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	10/527,771	CLAEREBOUT ET AL.					
Office Action Summary	Examiner	Art Unit					
	Brian J. Gangle	1645					
- The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period was - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	l. lely filed the mailing date of this communication. O (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on 23 Se	eptember 2005.						
3) Since this application is in condition for allowar		secution as to the merits is					
·	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	·						
4) Claim(s) 30-49 is/are pending in the application	٦.						
,	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.							
6) Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) 30-49 are subject to restriction and/or	election requirement.						
Application Papers		·					
9) The specification is objected to by the Examine	۲.						
10) The drawing(s) filed on is/are: a) acc		Examiner.					
Applicant may not request that any objection to the							
Replacement drawing sheet(s) including the correct							
11) The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form PTO-152.					
Priority under 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Date of Informal F 6) Other:	·					

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DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 30-33, 37-39, 43, drawn to nucleic acids, host cells and vaccines.

Group II, claim(s) 34-36, 40, 44, drawn to a proteins and vaccines.

Group III, claim(s) 41-42, drawn to protein vaccines with an added antigen.

Group IV, claim(s) 45, drawn to a method of prevention or treatment using a protein.

Group V, claim(s) 46-48, drawn to a method of prevention or treatment using nucleic acids.

Group VI, claim(s) 49, drawn to a method of prevention or treatment using a protein vaccine with an added antigen.

The inventions listed as Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Pursuant to 37 CFR 1.475(d), the ISA/US considers that where multiple products and processes are claimed, the main invention shall consist of the first invention of the category first mentioned in the claims and the first recited invention of each of the other categories related thereto. Accordingly, the main invention (Group I) comprises the first recited **composition**, nucleic acids, host cells, and vaccines. Further pursuant to 37 CFR 1.475(d), the ISA/US considers that any feature which the subsequently recited products and methods share with the main invention does not constitute a special technical feature within the meaning of PCT rule 13.2 and that each of such products and methods accordingly defines a separate invention.

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The special technical feature of Group I is the nucleotide sequence of a nucleic acid encoding a given protein from Ostertagia ostertagi.

The special technical feature of Group II is the specific amino acid sequence of a given protein and the biochemical and immunological properties of said protein.

The special technical feature of Group III is the specific combination of a protein from Ostertagia ostertagi and an additional antigen.

The special technical feature of each of Groups IV-VI is the specific active steps and reagents used in each method.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gangle whose telephone number is (571) 272-1181. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (571) 272-0864. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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4 8 B. Mark

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

36 Brian Gangle 12/23/2005

> ROBERT A. ZEMAN PATENT EXAMINER

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